

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 369 - HB 410

March 22, 2015

SUMMARY OF BILL: Broadens the offense of aggravated stalking to include any stalking offense in which the victim is 65 years of age or older and the offender is five or more years younger than the victim. Aggravated stalking is a Class E felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$136,000 Highest Projected Cost of Next 10 Years /Incarceration*

Assumptions:

- It is assumed that the offender range for stalking a person 65 years of age or older is 35 years of age and older. The Tennessee Incident Based Reporting System shows that in 2013, there were four incidents of stalking involving a victim 65 years of age and older and where the offender was between the age of 35 and 54. There were two incidents of stalking involving a victim 65 years of age and older and where the offender was between the age of 55 and 64. It is assumed that one of these incidents involved an offender 5 or more years younger than the victim.
- The bill will result in five convictions each year for aggravated stalking, a Class E felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for one (5 x .1178) additional admission for a total of 6 (5 + 1).
- Because the offense of aggravated staking created by the bill does not involve the use of a deadly weapon or require bodily injury to the victim, it is assumed that four of the six convictions will result in time served in state custody.
- The average time served for a Class E felony is 1.41 years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four offenders serving an additional 1.41 years (515 days) for a total of \$34,005 (\$66.03 x 515 days). The cost for four offenders is \$136,020 (\$34,005 x 4).
- The bill does not create any new cases, but rather elevates a few misdemeanors to felonies. It is assumed that the courts, the district attorneys, and the public defenders can accommodate the impact within their existing resources.

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**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly distinguishable.

Jeffrey L. Spalding, Executive Director

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